1989 No. 169

WEIGHTS AND MEASURES

Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1989

Made	*5th May 1989*
Coming into operation	*12th June 1989*

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SCHEDULE — Prescribed limits of error.

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3), 10(6) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1989 and shall come into operation on 12th June 1989.

(2) In these Regulations—

"certificate of approval" means a certificate of approval of a pattern of measuring equipment granted or renewed by the Department of Economic Development under Article 10 of the Order or any instrument having effect under Article 11(5) of the Order as if it were a certificate of approval so granted on 4th April 1979 or a certificate of approval of a pattern of measuring equipment deemed under Article 10(8) of the Order to have been granted and published under the provisions of the said Article 10;

"digital" means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps;

"grade" in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star or 4 star as mentioned in the British Standard Specification for leaded petrol (gasoline) for motor vehicles B.S. 4040: 1985 published by the British Standards Institution on 31st May

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4

1985(**a**) or, as the case may be, Premium or Regular as mentioned in the British Standard Specification for unleaded petrol (gasoline) for motor vehicles B.S. 7070: 1985 published by the British Standards Institution on 31st October 1985(**b**);

"liquid fuel" includes liquid fuel, lubricants and any mixture of liquid fuel and lubricants;

"measuring equipment" means any equipment for measuring volume other than a capacity measure ("the main equipment") and includes in each case so far as it constitutes measuring equipment for the purposes of the Order, ancillary equipment associated with the main equipment and other equipment physically or otherwise connected to the main equipment whether or not such equipment has been so connected to ensure correct measurement or is intended to facilitate the operation of the main or any ancillary equipment;

"minimum delivery" means the smallest quantity of liquid fuel which the measuring equipment is designed to measure;

"notice of examination" means a notice caused to be published by the Secretary of State giving particulars of a pattern in respect of which a certificate of approval has been granted;

"the Order" means the Weights and Measures (Northern Ireland) Order 1981;

"prescribed limits of error" has the meaning set out in regulation 15; and

"the stamp" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**c**).

(3) The Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983(**d**) and the Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985(**e**) are hereby revoked.

Application of Regulations and prescription of equipment

2.—(1) Subject to paragraph (2), these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons if it is constructed to measure in imperial units, or 100 litres if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of Article 9(1) of the Order.

(2) These Regulations shall not apply to any measuring equipment for use for the measurement by capacity of liquid fuel in a quantity not exceeding 100 litres which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of liquid fuel to a constant nominal capacity, the quantities being kept separate.

(**a**) ISBN 0 580 14463 1
(**b**) ISBN 0 580 14714 2
(**c**) S.R. & O. (N.I.) 1969 No. 11
(**d**) S.R. 1983 No. 369
(**e**) S.R. 1985 No. 267

PART II

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT

Construction of certain equipment

3. All measuring equipment fitted with a price to pay indicating device in digital form shall be so constructed that it cannot indicate during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

Approved patterns of construction and identification marks

4.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

(2) Subject to paragraph (3), measuring equipment submitted for testing with a view to passing as fit for use for trade shall be legibly and durably marked with the number of the certificate of approval or of the notice of examination, preceded by the words "Certification No." or "Cert. No." or "Notice No." or "DED Certification No." or "DED Cert. No." as the case may be.

(3) Paragraph (2) shall not apply to any measuring equipment which was first submitted for testing before 1st May 1982.

Arrangement of sales indicator

5. Every individual sales indicator fitted to measuring equipment shall be so arranged that—

(*a*) the indicator reading is capable of being set to zero before a delivery commences; and

(*b*) the indicator reading cannot be advanced by any means other than by the proper operation of the equipment.

Display of information to the buyer

6.—(1) Subject to paragraphs (2) and (3), all measuring equipment which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear unobstructed view—

(*a*) of all the operations carried out by any other person using the equipment to measure the liquid fuel being supplied to the buyer; and

(*b*) of any device on the equipment which is designed to indicate to the buyer the quantity supplied or the amount payable or that delivery is being effected.

(2) Paragraph (1) shall not apply to any equipment for use only for measuring kerosene except where the equipment is—

(*a*) situated on premises where petrol is sold; or

(*b* used for measuring kerosene in the course of delivery into the fuel tanks of vehicles.

(3) Paragraph (1) shall not apply to any equipment normally used for the measurement of lubricants in the absence of the buyer.

Manner of use for trade

7. All measuring equipment shall be used for trade in such a manner that every individual sales indicator shall be set to zero before a delivery commences.

PART III

TESTING

Testing under practical working conditions

8. All measuring equipment shall be tested by an inspector under practical working conditions with the liquid fuel that the equipment is intended to deliver.

Testing dependent on completeness of equipment

9. Measuring equipment shall not be tested unless it is complete with all its parts as described in any certificate of approval relating to it and which is in force or in any notice of examination.

Testing of permanently fixed equipment

10. All measuring equipment which is to be permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when completely erected ready for use and installed at the place where it is to be used.

Pre-testing requirements for measuring equipment with discharge hoses

11.—(1) Subject to paragraph (2), before testing any measuring equipment fitted with a discharge hose, the inspector shall ensure that liquid fuel has first been passed through the equipment.

(2) Paragraph (1) shall not apply to equipment used for the measurement of such liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.

(3) In this regulation the expression "hose" includes rigid pipe work.

Power of inspector to request provision of liquid fuel and other equipment

12. For the purposes of the performance by an inspector of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any measuring equipment, a person submitting such equipment to an inspector or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, make available for the inspector's use such liquid fuel and other equipment in his possession as the inspector may reasonably require, and such liquid fuel shall be returned to the person in question or be placed in a suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

Power of inspector to open tanks and containers

13.—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or for the return of liquid fuel